

Beverly Saxon Leonard, 153105  
THE SAXON LEONARD LAW FIRM  
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Attorney for Plaintiff  
CLIFFORD DILBERT

IN THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLIFFORD DILBERT,

Plaintiff,

v.

JOHN E. POTTER, POSTMASTER  
GENERAL,

Defendant.

Case No.: C-05 000 87 JSW

STIPULATION AND ORDER RE:  
REQUEST FOR ORDER CHANGING  
TIME FOR MEET & CONFER RE  
INITIAL DISCLOSURES AND TO FILE  
ADR CERTIFICATION, AND TO  
EXCHANGE INITIAL DISCLOSURES,  
AND TO CONTINUE CASE  
MANAGEMENT CONFERENCE  
(Local Rule 6-2)

WHEREAS, Plaintiff CLIFFORD DILBERT, by and through his attorney of record,  
BEVERLY SAXON LEONARD, hereby states and requests:

1. Plaintiff Clifford Dilbert was recently tried in Napa County Superior Court on charges of child molestation.
2. On the date closing arguments were to be given to the jury, February 10, 2005, Clifford Dilbert failed to appear in court. He was declared a fugitive from justice and he was found guilty of the charges against him.
3. Clifford Dilbert was subsequently apprehended in Toronto, Canada on February 12, 2005. Currently he is awaiting extradition from Canada to Napa County.
4. Although Clifford Dilbert has not yet been sentenced, it is anticipated that he will be sentenced to a term in state prison. For this and other reasons, plaintiff's counsel

intends to withdraw from further representation of the plaintiff.

5. Plaintiff's counsel has had limited opportunity to communicate with plaintiff since his confinement in Canada and has not been able to notify him of the intent to withdraw as counsel.

6. Because of plaintiff's unavailability, plaintiff's counsel is unable to complete the Initial Disclosures for exchange, or to complete an ADR Certification. Plaintiff's counsel did contact defendant's counsel on June 22, 2005, to advise him of plaintiff's predicament. It was agreed plaintiff's counsel would request a stay or extension of all deadlines and a continuance of the Case Management Conference currently set for July 8, 2005.

7. Plaintiff requests an extension of time to meet and confer re initial disclosures, to file an ADR Certification, and to complete the Initial Disclosures and the Case Management Conference Statement, and asks to continue the Case Management Conference scheduled on July 8, 2005 , at 1:30 p.m., to a date ninety-days hence.

8. The Defendant does not object to plaintiff's request.

9. Upon plaintiff's return to Napa County, plaintiff's counsel will seek to withdraw

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from further representation of the plaintiff.

Dated: June 24, 2005

Respectfully Submitted,

THE SAXON LEONARD LAW FIRM

By: /s/  
Beverly Saxon Leonard  
Attorney for Plaintiff Clifford Dilbert

Defendant does not object to Plaintiff's request to extend the deadlines referenced above, nor objects to a continuance of the July 8, 2005, Case Management Conference to a date 90-days hence.

Dated: June 24, 2005

KEVIN V. RYAN  
United States Attorney

By: /s/  
ABRAHAM A. SIMMONS  
Assistant United States Attorney  
Attorneys for Defendant John E. Potter

**ORDER OF THE COURT**

**ORDER:** The Court, having considered the request for Order Changing Time, hereby

**The parties shall hold a meet and confer re initial disclosures, early settlement, ADR Process selection, and discovery plan by October 14, 2005.**

**The parties shall file a joint ADR Certification with Stipulation for ADR process or Notice of Need for ADR Phone Conference by October 14, 2005.**

1           The last day to complete initial disclosures or state objection to Rule 26 (f) Report,  
2 file/serve Case Management Statement, and file/serve Rule 26 (f) Report is  
3 October 28, 2005.

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5           The Case Management Conference shall be held in Courtroom 2, 17<sup>th</sup> Floor at 1:30  
6 p.m., on November 4, 2005.

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8           **IT IS SO ORDERED**

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10          Dated: June 27, 2005

UNITED STATES DISTRICT COURT JUDGE

11  
12          By: /s/ Jeffrey S. White

13                           The Hon. Jeffrey S. White

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